



October 20, 2022

Via Electronic Filing

The Honorable Yvonne Gonzales Rogers
United States District Court
Northern District of California
Oakland Courthouse, Courtroom 1 – 4th Floor
1301 Clay Street
Oakland, CA 94612

Re: *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, MDL No. 3047, Application of Hillary M. Nappi, Esq. of Hach & Rose LLP for Plaintiffs' Steering Committee*

Dear Judge Rogers:

Pursuant to the Court's Order Setting Initial Conference in MDL 3047, I respectfully submit my application for appointment to the Plaintiffs' Steering Committee ("PSC") of the Social Media Adolescent Addiction/Personal Injury Products Liability Litigation ("Social Media Litigation"). My qualifications, as well as the qualifications of my firm, Hach & Rose LLP ("H&R" or "Firm"), are set forth below. Most importantly, I am committed to the Social Media Litigation and the PSC, and will work in any capacity the Court best sees fit.

Relevant Work Experience

I am a Senior Associate at Hach & Rose LLP ("H&R" or "Firm"). I joined the Firm in 2018, because it provided me a platform to continue advocating for children and other victims of abuse, as well as an avenue to participate in large complex litigation matters. For example, at H&R, I have worked closely with the corporate governance and class action practice groups, which have expanded my knowledge of leadership structures, aggregate litigation and settlements – all of which are relevant here. Perhaps most relevant, in 2019, the Firm created a sexual abuse practice group, which I have spearheaded since its inception. In this capacity, I have advocated fervently on behalf of hundreds of survivors of institutional sexual abuse, representing a diverse array of clients nationwide. I have taken and defended hundreds of depositions involving highly sensitive matters, and have successfully mediated cases on behalf of my clients, which have resulted in high value, confidential settlements. My biography is attached here as **Exhibit 1**.

Prior to joining H&R, I worked as a criminal defense attorney specializing in internet crimes and sex-based offenses. In my first three years as an attorney, I tried dozens of cases to verdict. As a younger lawyer who grew up in the age of the internet, I am well acquainted with the alleged injuries caused by the use of social media. I was specifically trained to investigate cases concerning children and interview traumatized witnesses. This is a skill which will be invaluable to this litigation. Recognizing the need for child advocacy, I began volunteering as a graduation coach at Yonkers Partners in Education, where I continue to mentor children and learned how they use technology – including social media and internet service companies – to communicate and learn.

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I began my career as a personal paralegal, and later staff attorney, for David Boies at Boies, Schiller and Flexner, LLP. Working directly for such a renowned trial attorney, I have observed high profile, complex litigation since 2007. Upon my admission to the bar, I was part of the trial team assigned to work on *Starr International v. The United States*, No. 1:11-cv-00779-TCW. At the time, the case was the largest ever filed against the United States Government alleging that the Government's acquisition of AIG equity and subsequent actions relating to a reverse stock split were unlawful. From the time I was a paralegal until present day, I have traveled across the country as required for litigation.

Collaborative Efforts

The nature of my law practice frequently demands collaborative efforts. I frequently work with many other firms in joint prosecutions of shareholder claims and have both led teams and played smaller supporting roles. I work with Court appointed liaison counsels regularly in coordinated discovery and to advance my individual client's cases. Further, I have partnered with Marsh Law Firm ("MLF") on many occasions to work collaboratively on cases involving the sexual exploitation of children, specifically cases involving the creation and distribution of child sex abuse materials ("CSAM"). With James Marsh and Margaret Mabie, I joined Child USA and Rape, Abuse & Incest National Network ("RAINN") in an *amicus curiae* brief that was filed in support of the plaintiffs in *Doe v. Twitter, Inc.*, Case No. 21-cv-000485, which involved Communications Decency Act ("CDA") Section 230 and Trafficking Victims Protection Reauthorization Act (TVPRA) questions. Further, James, Margaret and I will be presenting oral argument on November 17, 2022 in the 11th Circuit in *M.H., et al, v. Omegle.com LLC*, Case No. 22-103388, concerning the applicability of CDA 230 immunity for our client's use of Omegle – an internet service company – which resulted in the creation of her CSAM. I support James Marsh's application to the PSC in this litigation. MLF and H&R have also partnered with Aylstock Witkin Kreis Overholtz to jointly prosecute cases of sexually exploited children as a result of their addiction to social media.

The Firm's Commitment

The Firm and I have demonstrated our willingness and ability to commit the time necessary to successfully prosecute this litigation. Since the petition requesting coordination was filed, I have participated on plaintiffs' coordination calls and worked with informal subcommittees raising issues for further research, drafting and expert development. H&R's attorneys have substantial complex litigation experience, having previously represented retail and institutional investors, consumers and end-users in antitrust, consumer and securities fraud MDLs and class actions. The Firm has assembled an in-house team of lawyers and dedicated support staff and set aside the resources necessary to grow our team as needed for this litigation. Further, the Firm has ensured that I will be mentored by Frank Schirripa, Esq., who is Of Counsel to H&R.

For the past 20 years, Mr. Schirripa has almost exclusively litigated cases like this, having served in a lead, co-lead or representative capacity in cases against a full spectrum of industries (cellular and landline telecommunications, financial services, healthcare, insurance, manufacturing, pharmaceuticals, retail, stock broker and exchange, technology, and utilities) and practices (antitrust, consumer and investor fraud and protection, employment, and shareholder derivative actions). Mr. Schirripa has served as lead, co-lead, class counsel or on plaintiffs' executive committee and steering committees in MDLs and class actions throughout the United States. Of the current MDLs that Firm attorneys are working in Co-Lead Counsel, Executive

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Committee or Plaintiffs' Steering Committee role, Mr. Schirripa has overseen younger Firm attorneys to broaden their experience and is willing and able to commit a significant portion of his time to me personally. Thus, H&R's institutional knowledge of the law and procedures particular to class actions and complex MDLs is without question.

H&R is abundantly aware of the personal time commitment necessary to litigate this matter. The Firm's attorney's leadership roles in other cases demonstrates its willingness and ability to devote the resources necessary to prosecute its clients' and class claims to the fullest extent of the law. When required, the Firm has even built out and relocated its attorneys to temporary satellite offices to serve as "war rooms" for boots on the ground investigative efforts, deposition preparation and trial support.

My Firm is prepared to commit the necessary and substantial financial and intellectual resources to this litigation. The Firm's resources are not merely financial, however, as they also have the personnel and expertise necessary to pursue a case of this magnitude and to achieve a positive outcome in this MDL. The legal team has substantial experience not only with the traditional duties of counsel, but also with the tasks particular to complex litigation. I am prepared oversee focused teams of lawyers to efficiently analyze discovery documents and engage highly qualified expert witnesses and consultants. As such, I am acutely aware of the legal issues, practices and procedures required to successfully steer this MDL.

Diversity in Leadership

Although not a traditional consideration, I am aware of and welcome the close attention recently given to the makeup of leadership in MDLs of national importance. *See* Elizabeth C. Burch, *Diversity in MDL Leadership: A Field Guide*, (University of Missouri-Kansas City Law Review, 2020), <https://ssrn.com/abstract=3767123> (last visited Oct. 17, 2022); *In Re: Zantac (Ranitidine) Prods. Liab. Litig.*, Case No. 20-md-02924-RLR (Feb. 14, 2020 Pretrial Order #1, ECF No. 13 at 11-12) (discussing the court's desire for diverse leadership).

This is not one of the typical cases where courts are constrained to choose from a prepackaged MDL slate proposed by senior attorneys and supported by young and diverse back-office helpers. *See, e.g., In re: Denture Cream Prods. Liab. Litig.*, No. 19-md-02051 (S.D. Fla. July 13, 2009) (Altonaga, J.) (ECF No. 174, Hearing Tr. at 14:8-9) ("I do have a woman, just so that's clear."); *see also id.* at 14:20-21 ("We have more women lawyers in our office than men.").

I am an Italian-American female raised in a Jewish home. I grew up in Yonkers, New York. I am the first college graduate in my family and in fact, the first member of my family to earn a doctorate degree. I attended law school as a part time student while working full time for David Boies. I believe my background and prior experience illustrate that my work ethic is unmatched. I have often found myself in rooms where I was unexpected, uninvited and underestimated. In those circumstances, I have consistently excelled at providing direction, support, and cohesive collaboration which led to success. If this Court appoints me to a PSC role, my dedication will be no different.

Thank you for your consideration.

Respectfully submitted,


Hillary M. Nappi, Esq.

EXHIBIT 1
BIOGRAPHY



HILLARY M. NAPPI

Hillary M. Nappi is a Senior Associate at Hach & Rose and practices in the area of complex civil litigation. Ms. Nappi has led the Firm's sexual abuse practice group since its inception in 2019. Ms. Nappi is currently representing hundreds of survivors of sexual abuse, assault and exploitation in states across the country. Since 2021, Ms. Nappi has secured millions of dollars for individual clients in confidential settlements for adult survivors of childhood sexual abuse in New York State Child Victims Act cases. Her clients were sexually abused or assaulted while in the custody of private and public education institutions, houses of worship and foster care.

While at Hach & Rose, Ms. Nappi has contributed to the litigation of highly complex securities class and derivative actions, including *Construction and General Building Laborers' Local No. 79 General Fund v. The Boeing Co.*, C.A. 2019-0603-MTZ (Del. Ch.); *Construction and General Building Laborers' Local No. 79 General Fund, et al., v. Albaugh, et al.*, C.A. No. 2020-0466-AGB (Del. Ch.); and *Teamsters Local 493 Health Services and Insurance Plan v. Sealed Air Corporation*, C.A. No. 2019-0899 (Del. Ch.); *City of Westland Police and Fire Retirement System et al. v. NVIDIA Corporation*, C.A. 2020-0075 (Del. Ch.). Ms. Nappi was part of the litigation team that represented the lead plaintiff in a Delaware Section 220 action against the Board of Directors of AmerisourceBergen Corporation in connection with the Board's refusal to produce books and records relating to the company's role in the multi-billion-dollar opioid crisis. Ms. Nappi is currently pursuing other books and records actions against other companies for their roles in the opioid crisis.

Ms. Nappi has been consistently selected by Super Lawyers as Metro Rising Star in the area of civil litigation from 2018 through 2022.

Ms. Nappi volunteers her time at Yonkers Partners in Education as a Graduation Coach and as a Community Ambassador to CHILD USA. CHILD USA is a 501(c)(3) nonprofit think tank dedicated to protecting kids and preventing abuse. Ms. Nappi has co-authored amicus briefs filed in State and Federal Courts across the country on behalf of CHILD USA. Further in 2022, Ms. Nappi became a Member on the Board of Directors of the New York State Academy of Trial Lawyers. The Academy's advocates on a wide array of legislative and political matters which are important to the membership consisting of more than 4,600 individuals from the legal community, including plaintiff and defense attorneys, members of the judiciary, government employees, law professors, law clerks, law secretaries, paralegals and law students.

Ms. Nappi is admitted to the Bars of the states of New York and New Jersey, and to the United States District Court for the Southern, Eastern, Western and Northern Districts of New York and District of New Jersey. Prior to joining the Firm, Ms. Nappi spent nine years working at the law offices of Boies, Schiller & Flexner LLP. While in law school, Ms. Nappi worked as a paralegal to the firm's Chairman, David Boies. After her admission to the bar, Ms. Nappi was promoted to Staff Attorney. As a Staff Attorney, Ms. Nappi worked on large complex litigation matters as well as conducted regulatory investigations. Ms. Nappi later joined a boutique litigation firm in Westchester County where she honed her trial skills in the areas of criminal defense,



commercial litigation, family law, and estate litigation. In 2018, Ms. Nappi was named “Top 40 Under 40 Criminal Defense Attorneys” by National Trial Lawyers.

Ms. Nappi earned her Bachelors of Science Degree in Criminal Justice from Pace University’s Pleasantville Campus. Ms. Nappi later received her Juris Doctor from Pace University School of Law (now the Elisabeth Haub School of Law). Ms. Nappi was a participant in NAAC Moot Court Competition and a member of Pace Law School’s Moot Court Board. During law school, Ms. Nappi was also heavily involved in the ABA through its Law Students Division where she was the Second Circuit Lt. Governor for Non-Traditional Law Student Relations.

FIRM BIOGRAPHY

HACH & ROSE LLP (“H&R” or the “Firm”) specializes in large, complex litigation in the fields of personal injury, securities, mergers and acquisitions, corporate governance, antitrust, consumer protection, investor arbitration, sexual abuse and employment litigation. The Firm’s attorneys have established themselves as leading representatives of Taft-Hartley pension and benefit funds in these areas of the law. The Firm’s attorneys have litigated thousands of cases in both state and federal courts through the United States, and are committed to protecting injured persons, shareholders and consumers.

H&R is headquartered in New York. Its attorneys are licensed to practice law in New York, New Jersey, Connecticut, Massachusetts and Washington, D.C., and have practiced in numerous federal district and appellate courts and state courts throughout the United States and Puerto Rico.

EXHIBIT 2

SUPPORT OF APPLICATION



Support for Appointment of Hillary Nappi to the *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*,

MDL No. 3047, Plaintiffs' Steering Committee

Attorney	Firm
Jayne Conroy	Simmons Hanly Conroy
James Marsh	Marsh Law Firm
Sin-Ting Mary Liu	Aylstock Witkin Kreis Overholtz

Counsel I Support for Appointment to Leadership Roles

Attorney	Firm
Lexi Hazam	Lieff Cabraser – Co-Lead
Chris Seeger	Seeger Weiss – Co-Lead
Joseph VanZandt	Beasley Allen – Co-Lead
Emily Jeffcott	Morgan & Morgan – Co-Lead\
Jayne Conroy	Simmons Hanly Conroy - PC
James Marsh	Marsh Law Firm - PC
Sin-Ting Mary Liu	Aylstock Witkin Kreis Overholtz - PC